

NHDOT FTA DBE Goal for FY 2011-2013

OVERALL GOAL (§ 26.45)

Pursuant to the USDOT's Rule Change to Three-Year DBE Goal Setting Methodology.

NHDOT, through its Bureau of Rail and Transit, intends to expend 2.5% of the amounts received from Federal financial assistance that is conducive to contracting on DOT-assisted contracts for Sections 5311, 5316 and 5317, with small business concerns owned and controlled by socially and economically disadvantaged individuals (DBEs).

It is the intent that this expenditure be obtained to the extent practicable, through a race and gender-neutral program (see 49 CFR § 26.5 for definitions).

Federal Financial assistance for Sections 5303/5304 consolidated planning funds is not conducive to contracting. Section 5307 is direct recipient funds and Section 5310 is rolling stock for vehicles and is also not conducive to contracting. Section 5309 funding is not slated for construction to begin in fiscal years 2011 to 2013, and rolling stock for vehicles, offers no opportunities for contracting.

METHOD OF ATTAINMENT

NHDOT will calculate the overall goal using the criteria based in 49 CFR § 26.45. The determination will be based on a level of DBE participation relative to all businesses ready, willing and able to participate on Federally assisted contracts, and reflect a level NHDOT would expect in the absence of discrimination. The overall goal setting procedure is based on the following:

Step 1: Base Figure

Service Area: The DBE goal for monies received by the Bureau of Rail and Transit was established using guidelines published in the Federal Register by first determining the service areas and then calculating the DBE goal from that area. The service area was determined to be Statewide.

Data Sources: The DBE goal was found by determining the number of businesses listed by the 2008 US Census Bureau in the County Business Pattern and filtered for firms in the North American Industry Classification System (NAICS) Sub sectors, as well as other items.

- 453210 – Office Supplies
- 441310 – Automotive Parts & Accessories
- 423420 – Office Equipment
- 423430 – Computer Equipment/Software
- 32311 - Printing and Related Support Activities
- 81233 - Personal and Laundry Services
- 541810 - Advertising Agencies
- 811212 – Computer/Office Machine Repair & Maintenance

- 339950 – Sign Manufacturing
- 441320 – Tire Dealers

These numbers become the denominator. The numerator was found by determining the number of current ready, willing and able businesses that are DBEs on file with the State of New Hampshire.

$$\frac{\text{Formula (5309, 5311 \& 5316) DBE (22)}}{\text{CBP (825)}} = 2.67\%$$

Step 2: Adjustment to Base Figure

The Department assessed the impact of specific factors requiring narrow tailoring of the DBE Program.

The overall goal was adjusted based on the following information:

1. Historical & Current Capacity to Perform Work - The average DBE goal attainment for the past three years has been 3.11%. However, during this period there were contracting opportunities for transportation consultants, design engineering firms and highway construction projects. In FY 2011-2013 there are no apparent contracting opportunities in these areas where there is a greater concentration of ready, willing and able DBEs. Despite best efforts in promoting the DBE program through the Department's supportive services contract, we anticipate that this factor will continue to negatively impact the apparent level of attainable DBE participation.
2. Currently, NHDOT has twenty-two ready and willing DBEs for Sections 5309, 5311 and 5316 that can fulfill administrative and operational contracting requirements: transit advertising and marketing services (5), office product suppliers (5), printing services (3), computer equipment suppliers (3), sign suppliers and installers (4), automotive accessories (1), and administrative services (1).

By applying the respective percentages calculated in the base figure (Step 1), an accurate level of anticipated DBE participation was derived.

Considering the base figure from Step 1 and the impacts from Step 2, NHDOT, through its Bureau of Rail and Transit, has selected an overall annual DBE goal of 2.5% for Fiscal Years 2011-2013. The NHDOT will obtain its goal through race and gender-neutral participation.

Should our contracting opportunities unexpectedly increase, decrease, or significantly change during the three year period such that the submitted goal is rendered obsolete, the NH DOT will appropriately amend both the goal and DBE contracting practices in order to ensure the goal and program as a whole is narrowly tailored and accurately reflects the actual contracting opportunities available during the specified time period.

NHDOT will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Office of Federal Compliance in the John O. Morton Building, Concord, NH for 30 days following the date of the notice, and informing the public that NHDOT will accept comments on the goals for 45 days from the date of the notice. The NHDOT will issue this notice by September 26, 2010. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. NHDOT will publish the notice in the only statewide newspaper, Manchester's Union Leader.